

CODE OF VIRGINIA  
TITLE 54 - PROFESSIONS AND OCCUPATIONS  
Article 1.

General Provisions.

§ 54-42. WHO MAY PRACTICE LAW. - The following persons may practice law in this state:

All persons, male and female, who have heretofore obtained, or may hereafter obtain, a license to so practice under the laws of this State, and whose license has not been revoked, and who have paid the license tax prescribed by law.

Any person duly authorized and practicing as counsel or attorney at law in any state or territory of the United States, or in the District of Columbia, may for the purpose of attending to any case he may occasionally have in association with a practicing lawyer of this State practice in the courts of this State, in which case no fee shall be chargeable against such nonresident attorney. (Code 1919, § 3408; 1920, p. 66; 1922, p. 654; 1938, p. 334.)

§ 54-43. ATTORNEY TO QUALIFY IN EACH COURT IN WHICH HE PRACTICES; OATH. - Every such person shall produce, before each court in which he intends to practice, satisfactory evidence of his being so licensed or authorized, and take an oath that he will honestly demean himself in the practice of law, and to the best of his ability execute his office of attorney at law; and also, when he is licensed in this State, take the oath of fidelity to the Commonwealth. (Code 1919, § 3421; 1922, p. 654.)

§ 54-44. PENALTY FOR PRACTICING WITHOUT AUTHORITY. - If any person shall practice law without being duly authorized or licensed, he shall be guilty of a misdemeanor. (Code 1919, § 3422; 1918, p. 221; 1922, p. 654; 1938, p. 772.)

§ 54-45. CERTAIN OFFICERS, ETC., FORBIDDEN TO PRACTICE LAW IN PARTICULAR COURTS. - If any clerk, sheriff, or sergeant, or any deputy of either, or any person interested in the profits of any such officer, shall act as attorney at law in any case in any court of which such clerk, sheriff, or sergeant is a member or officer, he shall forfeit one hundred dollars. (Code 1919, § 3426.)

§ 54-46. LIABILITY TO CLIENT. - Every attorney at law shall be liable to his client for any damage sustained by him by the neglect of his duty as such attorney. If any attorney received money for his client and fail to pay the same on demand, it may be recovered from him by warrant, or by suit, or motion, according to the amount and

damages in lieu of interest, not exceeding fifteen per centum per annum until paid, may be awarded against him. (Code 1919, § 3427.)

§ 54-47. LIABILITY FOR WORDS USED IN PROCEEDINGS CONCERNING CONDUCT. - No lawyer, or association or corporation composed of lawyers, shall be held liable in any civil action for words written or spoken in any proceeding concerning, or investigation of, the professional conduct of any member of the bar of Virginia before any bar association or committee thereof, unless it be proved by the plaintiff that such words were used with actual malice, were false, and were used without any reasonable or probable cause. (1938, p. 513; Michie Code 1942, § 3425a.)

## Article 2.

### Bar Organization and Government.

§ 54-48. RULES AND REGULATIONS DEFINING PRACTICE OF LAW AND PRESCRIBING CODES OF ETHICS AND DISCIPLINARY PROCEDURE. - The Supreme Court of Appeals may, from time to time, prescribe, adopt, promulgate and amend rules and regulations:

- (a) Defining the practice of law.
- (b) Prescribing a code of ethics governing the professional conduct of attorneys at law and a code of judicial ethics.
- (c) Prescribing procedure for disciplining, suspending, and disbarring attorneys at law. (1938, p. 771; 1940, p. 508; Michie Code 1942, § 3430a.)

§ 54-49. ORGANIZATION AND GOVERNMENT OF VIRGINIA STATE BAR. - The Supreme Court of Appeals may, from time to time, prescribe, adopt, promulgate and amend rules and regulations organizing and governing the association known as the Virginia State Bar, composed of the attorneys at law of this State, to act as an administrative agency of the Court for the purpose of investigating and reporting the violation of such rules and regulations as are adopted by the Court under this article to a court of competent jurisdiction for such proceedings as may be necessary, and requiring all persons practicing law in this State to be members thereof in good standing. (1938, p. 771; 1940, p. 508; Michie Code 1942, § 3430a.)

§ 54-50. FEES. - The Supreme Court of Appeals may, from time to time, prescribe, adopt, promulgate and amend rules and regulations fixing a schedule of fees to be paid by members of the Virginia State Bar for the purpose of administering this article, and providing for the collection and disbursement of such fees; but the annual fees to be paid by any attorney at law shall not exceed the sum of five dollars. (1938, p. 771; 1940, p. 508; Michie Code 1942, § 3430a.)

§ 54-51. RESTRICTIONS AS TO RULES AND REGULATIONS. - Notwithstanding the foregoing provisions of this article, the Supreme Court of Appeals shall not adopt or promulgate rules or regulations prescribing a code of ethics governing the professional conduct of attorneys at law, which shall be inconsistent with any statute; nor shall it adopt or promulgate any rule or regulation or method of procedure which shall limit or supersede the jurisdiction of the courts to deal with the discipline of attorneys at law as provided by law; nor shall there be any rule or regulation or method of procedure adopted and promulgated which will provide for any additional method for the trial of attorneys in disbarment or suspension proceedings except those now provided for by statute, and in no case shall an attorney be tried for the violation of any rule or regulation adopted under this article except by a court of competent jurisdiction. (1938, p. 772; 1940, p. 508; Michie Code 1942, § 3430b.)

§ 54-52. STATE BAR FUND; RECEIPTS; DISBURSEMENTS. - The State Bar Fund is continued as a special fund in the State treasury. All fees collected from the members of the Virginia State Bar as provided in § 54-50 shall be paid into the State treasury immediately upon collection and credited to the State Bar Fund. All moneys so paid into the Fund are hereby appropriated to the Virginia State Bar for the purpose of administering the provisions of this article. All disbursements from the Fund shall be made by the State Treasurer upon warrants of the Comptroller issued upon vouchers signed by such officer or officers of the Virginia State Bar as may be authorized, by or in accordance with rules and regulations prescribed, adopted and promulgated by the Supreme Court of Appeals, so to do.

No person shall receive any compensation out of the State Bar Fund for services performed in and about the administration of this article if at the time of the performance of such services he is a regular employee of the Commonwealth, nor shall any of the funds derived hereunder be devoted to publishing decisions of the Supreme Court of Appeals or to law magazines or to buying any such publications. (1938, p. 771; 1940, p. 509; Michie Code 1942, § 3430c.)

### Article 3.

#### Board of Bar Examiners.

§ 54-53. COMPOSITION OF BOARD. - The State Board of Bar Examiners for the examination of applicants for admission to the bar, in this chapter sometimes called "the Board", shall be composed of five competent lawyers resident in this State. (Code 1919, § 3410; 1918, p. 398; 1922, p. 654; 1927, p. 115; Michie Code 1942, § 535(77).)

§ 54-54. APPOINTMENT AND TERMS OF MEMBERS. - The members of the Board shall be appointed for a term of five years by the Supreme Court of Appeals, and shall consist of the present Board until their

respective terms expire. As such terms expire or vacancies otherwise occur, they shall be filled by the Court for the full term of five years. (Code 1919 § 3410; 1918, p. 398; 1922, p. 654.)

§ 54-55. QUORUM. - Three members of the Board shall constitute a quorum for holding examinations or the transaction of other business. (Code 1919, § 3413; 1918, p. 399; 1924, p. 655; 1934, p. 411; 1936, p. 79.)

§ 54-56. PRESIDENT; SECRETARY AND TREASURER. - The Board shall elect one of its members president. The official stenographer of the Supreme Court of Appeals shall be ex-officio the secretary and treasurer of the Board, but it may, in case of necessity, appoint a temporary secretary and treasurer. (Code 1919, §§ 3412, 3413; 1918, p. 398; 1922, p. 655; 1934, p. 411; 1936, p. 79.)

§ 54-57. RULES AND REGULATIONS. - The Board may make, alter and amend rules and regulations as to the legal qualifications of applicants, the requirements necessary for passing examinations, in whole or in part, and as to all things necessary or expedient for the proper conduct of its examinations and the proper discharge of its duties. (Code 1919, § 3413; 1918, p. 398; 1922, p. 655; 1934, p. 411; 1936, p. 79.)

§ 54-58. COMPENSATION OF MEMBERS AND SECRETARY AND TREASURER; EXPENSES OF EXAMINATIONS. - The members of the Board shall each receive as compensation ten dollars per day for the time spent in the discharge of their duties as members, and mileage now allowed by law to the members of the General Assembly, to meet the expenses incurred in going to, holding and returning from any sessions of the Board held for the discharge of any of the duties devolving upon them. The compensation of the secretary and treasurer shall be fixed by the Board, subject to the provisions of chapter 9 of Title 2. The per diem and mileage of the members of the Board, the compensation of the secretary and treasurer and the necessary expenses incurred in conducting the examinations, shall be paid by the secretary and treasurer out of the fund derived from fees paid by applicants. The compensation for services and expenses herein provided for shall not exceed the amount received as fees from applicants, which shall be fixed by the rules and regulations adopted by the Board, as hereinafter provided, relative to the examinations to be held by the Board. (Code 1919, § 3416; 1918, p. 399; 1922, p. 655.)

§ 54-59. FEES PAID BY APPLICANTS. - In order to defray the compensation, mileage and expenses above provided for, the Board shall fix by general rule or special order the fees to be paid by each applicant. If any surplus accumulates from such fees, it shall be divided at periods of five years between the law libraries of the Supreme Court of Appeals. (Code 1919, § 3417; 1918, p. 399; 1922, p. 656.)

Article 4.

Examinations and Issuance of Licenses.

§ 54-60. PRELIMINARY CERTIFICATE OF CHARACTER AND AGE REQUIRED OF APPLICANT. - No one shall take any examination under this article until he shall file with the Board a certificate from the circuit court of the county, or the corporation court of the city, wherein he resides, or the judge of either of such courts, that he is a person of honest demeanor, of good moral character, is over the age of twenty-one years, and has resided in this State the preceding six months; or if he is, or within three months prior has been, a student in one of the law schools of this State connected with a university or college, a certificate signed by any two of the professors of the law school that he is a person of honest demeanor, of good moral character, is over the age of twenty-one years, and within the preceding three years has studied law at such school for a period of two collegiate years.

No such certificate shall be made by any such court or judge, unless and until the name of the person applying therefor has been submitted by the court, or judge, to three attorneys, practicing before such court, who shall make a thorough investigation of the moral character and fitness of the applicant and make a report of their findings to the court, or judge, and the certificate shall show compliance with the above requirement; but such report shall not be binding on the court or judge. (Code 1919, § 3418; 1918, p. 399; 1922, p. 656; 1928, p. 1162; 1930, p. 26.)

§ 54-61. SAME; APPLICANT UNDER TWENTY-ONE YEARS OF AGE. - Any person who is over the age of nineteen and under twenty-one years of age may take any examination under this article upon filing with the Board a certificate from the circuit court of the county, or the corporation court of the city, in which he resides, or the judge of either of such courts, that he is a person of honest demeanor, of good moral character, that he is over the age of nineteen years, that he has studied law for the preceding two years in the office of a practicing attorney in this State and that he will attain the age of twenty-one years on the \_\_\_\_\_ day of \_\_\_\_\_ (giving the date). No such certificate shall be made by any such court, or judge, unless and until the name of the person applying therefor has been submitted by the court, or judge, to three attorneys, practicing before such court, who shall make a thorough investigation of the moral character and fitness of the applicant and make a report of their findings to the court, and the certificate shall show compliance with the above requirement; but such report shall not be binding on the court or judge.

If such person is, or within three months prior has been, a student in one of the law schools of this State connected with



a university or college, in lieu of the above-mentioned certificate of a court, or judge, he may file with the Board a certificate of two of the professors in the school, that he is a person of honest demeanor, of good moral character, that he is over the age of nineteen years, that within the preceding three years he has studied law for a period of two collegiate years in one of the law schools, and that he will attain the age of twenty-one years on the \_\_\_\_\_ day of \_\_\_\_\_ (giving the date).

No license to an applicant under this section shall be issued until he attains the age of twenty-one years. (Code 1919, § 34-19; 1918, p. 399; 1922, p. 656; 1930, p. 26.)

§ 54-61.1. SAME; BENEFICIARY STUDYING AT LAW SCHOOL UNDER PROVISIONS OF §§ 23.10 to 23.13. - In the case of any beneficiary studying law at a law school under the provisions of §§ 23-10 to 23-13, a certificate signed by any two professors of such law school that he is a person of honest demeanor, and of good moral character, is over the age of twenty-one years, and within the preceding three years has studied law at such school for a period of two collegiate years, may be accepted in lieu of the court certificate required by § 54-61. (1948, p. 905; Michie Suppl. 1948, § 34-19a.)

§ 54-62. PRELIMINARY PROOF OF EDUCATION REQUIRED OF APPLICANT. - Every applicant before taking any examination under this article shall furnish to the Board satisfactory evidence that such applicant has either received a degree from a law school approved by the American Bar Association or completed the equivalent of at least a two-year academic course of an accredited college, but such study need not have been in any college. Every applicant who does not hold such a law degree shall furnish satisfactory evidence that he has not only the academic qualification, or equivalent, above mentioned but also that he has studied law for not less than two years under such reasonable conditions as may be prescribed by the Board, except that the Board shall not require any of such study to be in a law school. (Code 1919, § 34-13; 1934, p. 411; 1935, p. 79.)

§ 54-63. TIME AND PLACE OF EXAMINATION. - Such Board shall hold at least two examinations each year, at such times as it may prescribe by general rule or special order; but if only two of such examinations are held in any one year, they shall not be less than five months apart. One of such examinations shall be held in the city of Richmond, and one in the city of Roanoke each year, unless for good cause it be necessary to hold it elsewhere. (Code 1919 § 34-11; 1918, p. 398; 1922, p. 655.)

§ 54-64. **ISSUANCE OF LICENSES; LIST OF LICENSEES CERTIFIED TO SUPREME COURT OF APPEALS.** - The Board shall issue a license to practice law in this State to every applicant who shall have successfully passed the examination on all the subjects required and shall have complied with the requirements of this chapter and the rules of the Board, which license shall be signed by at least three members of the Board. The Board shall forthwith certify to the Supreme Court of Appeals a list of those whom it has so licensed, which list shall be spread upon the records of the court. (Code 1919, § 3411; 1918, p. 398; 1922, p. 655.)

§ 54-65. **PRESERVATION OF EXAMINATION PAPERS.** - The examination papers shall be kept on file in the Office of the secretary and treasurer at Richmond for one year after each examination, total or partial, after which they may be destroyed. (Code 1919, § 3414; 1918, p. 399; 1922, p. 655.)

§ 54-66. **RE-EXAMINATIONS.** - Any applicant failing to pass an examination, in whole or in part, may again apply at any subsequent examination upon showing to the Board that he has diligently pursued the study of law since the former examination. (Code 1919, § 3415; 1918, p. 399; 1922, p. 655.)

§ 54-67. **GRANTING LICENSES WITHOUT EXAMINATION.** - The Supreme Court of Appeals shall have discretion to grant a certificate without examination to any lawyer who has practiced before the court of last resort of any state or territory of the United States or the District of Columbia for three years, or to any professor in any law school in this State who has taught in such school for a period of three years or more, which certificate shall entitle the holder, after paying his license tax, to practice in the courts of this State.

The Supreme Court of Appeals shall also have discretion to grant a certificate without examination to any person connected with any foreign embassy or legation to appear in the courts of this Commonwealth in all matters connected with his official duties provided such person has been admitted to practice in the court of last resort of the jurisdiction of the embassy or legation to which he is attached or such person has received a degree from a law school approved by the American Bar Association.

All other persons shall stand the examinations and comply with the provisions of the other sections of this chapter applicable thereto. (Code 1919, § 3409; 1922, p. 654; 1946, p. 164.)

§ 54-68. **GRANTING LICENSES TO FORMER MEMBERS OF ARMED FORCES.** - Chapter 188 of the Acts of 1946, approved March 15, 1946, adding § 3409a to the Code of 1919, as amended by Chapter 414 of

the Acts of 1948, approved April 1, 1948, authorizing the Supreme Court of Appeals to grant licenses to practice law to certain persons who served in the armed forces between December seventh, nineteen hundred and forty-one, and August fifteenth, nineteen hundred and forty-five, is continued in effect.

Article 5.

Fees.

§ 54-69. AMOUNT OF FEE. - An attorney shall be entitled, as a fee, to the amount which the clerk is authorized to tax in the bill of costs, in any suit, or for any service as such attorney. But any contract made with an attorney for higher compensation shall be valid and he may recover such sum as he contracts for with the party for whom the service is rendered; and, if there be no such contract, he may recover from such party what his services are reasonably worth. (Code 1919, § 3428.)

§ 54-70. LIEG FOR FEES. - Any person having or claiming a right of action sounding in tort, or for liquidated or unliquidated damages on contract, may contract with any attorney at law to prosecute the same, and such attorney shall have a lien upon such cause of action as security for his fees for any services rendered in relation to the cause of action or claim. And when any such contract shall be made, and written notice of the claim of such lien shall be given to the opposite party, his attorney or agent, any settlement or adjustment of such cause of action shall be void against the lien so created, except as proof of liability on such cause of action. Nothing in this section shall affect the existing law in respect to champertous contracts. (Code 1919, § 3429; 1923, p. 755.)

§ 54-71. DECREES FOR PAYMENT OF FEES UNDER CONTROL OF COURT. - No court shall make any decree or order for the allowance of any fee or compensation to counsel to be paid out of money or property under the control of the court, unless the claim therefor be stated in the bill, petition, or other proceeding, of which the parties interested shall have due notice, or unless such parties be notified in writing that application will be made to the court for such decree or order. (Code 1919, § 3430.)

Article 6.

Revocation or Suspension of Licenses;  
Disbarment Proceedings.

§ 54-72. REVOCATION OF LICENSE BY BOARD. - The Board may, for good cause, revoke any license issued by it at any time before



there has been a qualification under it in any of the courts of this Commonwealth, but not thereafter. (Code 1919, § 3420; 1918, p. 400; 1922, p. 656.)

§ 54-73. REVOCATION OR SUSPENSION OF LICENSE BY COURT. - Any court before which an attorney has qualified, on proof being made that he has been convicted of a felony or of any malpractice, or of any corrupt unprofessional conduct, shall revoke his license to practice therein or suspend the same for such time as the court may prescribe. (Code 1919, § 3423.)

§ 54-74. PROCEDURE FOR SUSPENSION OR REVOCATION OF LICENSE. -

(1) ISSUANCE OF RULE. - If the Supreme Court of Appeals, or any court of record of this State, observes, or if complaint verified by affidavit, be made by any person to such court of any malpractice or of any unlawful or dishonest or unworthy or corrupt or unprofessional conduct on the part of any attorney, or that any person practicing law is not duly licensed to practice in this State, such court shall, if it deems the case a proper one for such action, issue a rule against such attorney or other person to show cause why his license to practice law shall not be revoked or suspended.

(2) JUDGES HEARING CASE. - At the time such rule is issued the court issuing the same shall certify the fact of such issuance and the time and place of the hearing thereon, to the chief justice of the Supreme Court of Appeals, who shall designate two judges, other than the judge of the court issuing the rule, of circuit courts or courts of record of cities of the first class to hear and decide the case in conjunction with the judge issuing the rule, which such two judges shall receive as compensation ten dollars per day and necessary expenses while actually engaged in the performance of their duties, to be paid out of the treasury of the county or city in which such court is held.

(3) DUTY OF COMMONWEALTH'S ATTORNEY. - It shall be the duty of the attorney for the Commonwealth for the county or city in which such case is pending to appear at the hearing and prosecute the case.

(4) ACTION OF COURT. - Upon the hearing, if the defendant be found guilty by the court, his license to practice law in this State shall be revoked, or suspended for such time as the court may prescribe; provided, that the court, in lieu of revocation or suspension, may, in its discretion, reprimand such attorney.

(5) APPEAL. - The person or persons making the complaint or the defendant, may, as of right, appeal from the judgment of the court to the Supreme Court of Appeals by petition based upon a true transcript of the record, which shall be made up and certified as in actions at law.

(6) "ANY MALPRACTICE, OR ANY UNLAWFUL OR DISHONEST OR UNWORTHY OR CORRUPT OR UNPROFESSIONAL CONDUCT", as used in this section, shall be construed to include the improper solicitation of any legal or professional business or employment, either directly or indirectly, or the failure without sufficient cause, within a reasonable time after demand, of any attorney at law, to spy over and deliver to the person entitled thereto, any money, security or other property, which has come into his hands as such attorney.

(7) REPRESENTATION BY COUNSEL. - In any proceedings to revoke or suspend the license of an attorney under this or the preceding section, the defendant shall be entitled to representation by counsel. (Code 1919, § 3424; 1928, p. 1162; 1932, p. 138.)

§ 54-75. SECURITY FOR GOOD BEHAVIOR, ETC. - Nothing in the preceding section shall affect the right of any court to require from an attorney therein security for his good behavior, or to fine him for a contempt of the court. (Code 1919, § 3425.)

§ 54-76. VENUE AND SERVICE IN DISBARMENT OR SUSPENSION PROCEEDINGS. - Disbarment or suspension proceedings against any attorney at law may be had in any court of record in the county or city wherein the defendant resides or has his office or place of practice when the proceeding is commenced, or resided or had such place of practice when any misconduct complained of occurred, or in which any case was pending as to which any misconduct took place. If personal service cannot be had upon the defendant, proceedings may be had by order of publication on proper affidavit.

The provisions of this section shall not be construed to lessen the existing jurisdiction of any court in such matters. (1934, p. 175; Michie Code 1942, § 3424a.)

§ 54-77. NOTICE OF REVOCATION OR SUSPENSION. - Whenever the license to practice law of any attorney is revoked or suspended, and whenever any attorney is convicted of any felony, the clerk of the court in which the proceeding to revoke or suspend such license is had, or in which any attorney is so convicted, shall transmit forthwith a certified copy of the order of revocation, suspension or

conviction, as the case may be, to the clerks of the Supreme Court of Appeals at Richmond and Staunton, and to the secretary of the State Board of Bar Examiners. (1936, p. 492; Michie Code 1942, § 3424b.)

#### Article 7.

##### Runners or Cappers.

§ 54-78. DEFINITIONS. - As used in this article:

(1) A "runner" or "capper" is any person, corporation, partnership or association acting in any manner or in any capacity as an agent for an attorney at law within this State in the solicitation or procurement of business for such attorney at law, as provided in this article.

(2) An "agent" is one who represents another in dealing with a third person or persons. (1932, p. 513; Michie Code 1942, § 3426f.)

§ 54-79. UNLAWFUL TO ACT AS RUNNERS OR CAPPERS. - It shall be unlawful for any person, corporation, partnership or association to act as a runner or capper for any attorney at law or to solicit any business for him in and about the State prisons, county jails, city jails, city prisons, or other places of detention of persons, city receiving hospitals, city and county receiving hospitals, county hospitals, police courts, trial justice courts, municipal courts, superior courts, or in any public institution or in any public place or upon any public street or highway or in and about private hospitals, sanitariums or in and about any private institution or upon private property of any character whatsoever. (1932, p. 513; Michie Code 1942, § 3426e.)

§ 54-80. PUBLIC EMPLOYEES. - It shall be unlawful for any person employed either as an officer, director, trustee, clerk, servant or agent of this State or of any county, city and county, or other municipal corporation or subdivision thereof to act as a runner or capper or solicit any business for attorneys in and about any of the places mentioned in the preceding section. (1932, p. 512; Michie Code 1942 § 3426b.)

§ 54-81. EMPLOYEES OF BAIL BOND COMPANIES. - It shall be unlawful for any person employed directly or indirectly by any bail bond company, whether on a salary or on a commission, to act as a runner or capper or to solicit any business for attorneys in and about the places mentioned in § 54-79. (1932, p. 512; Michie Code 1942, § 3426c.)

§ 54-82. PENALTY FOR VIOLATION. - Any person, corporation, partnership or association violating any of the provisions of this article shall be guilty of a misdemeanor, and shall be punishable by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment. And, in addition to such punishment, any person mentioned in § 54-80, who shall be found guilty of violating any of such provisions shall forfeit the right to his office and employment. (1932, p. 513; Michie Code 1942, § 3426g.)

§ 54-83. VALIDITY OF CONTRACT. - Any contract for professional services secured by any attorney in this State through the services of a runner or capper shall be void. (1932, p. 513; Michie Code 1942, § 3426g.)

ANNOTATED CODE OF MARYLAND

ARTICLE 10

Attorneys at Law and Attorneys in Fact  
Admission to the Bar

An. Code, 1939, sec. 1. 1924, sec. 1. 1912, sec. 1.  
1904, sec. 1. 1888, sec. 1. 1715, ch. 48. 1753, ch.  
17. 1831, ch. 266. 1908, ch. 638. 1910, ch. 608 (p. 6).  
1933, ch. 286. 1939, ch. 576, 1947, ch. 26. 1949, ch. 508.

1. No person shall practice the profession or perform the services of an attorney at law within this State without being admitted to the bar as hereinafter directed; and any person who shall give legal advice, represent any person in the trial of any case at law or in equity including the trial of any case before the People's Court of Baltimore City where the amount involved exceeds the sum of \$100.00 except cases arising under Sections 435 to 462 inclusive of the Charter and Public Local Laws of Baltimore City (1949 Edition) or prepare any written instrument affecting the title to real estate, for pay or reward, shall be deemed an attorney at law for purposes of this Article.

An. Code, 1939, sec. 2. 1924, sec. 2. 1912, sec. 2.  
1904, sec. 2. 1888, sec. 2. 1898, ch. 139. 1945, ch.  
732, sec. 2.

2. A State board of law examiners is hereby created, to consist of three members of the bar of at least ten years' standing, who shall be appointed by the Court of Appeals, and shall hold office for the term of three years. Said examiners shall hold office for one, two and three years, respectively, to be designated by the judges of the Court of Appeals. After the first appointment the Court of Appeals, shall annually appoint a member of said board in the place of the examiner whose term shall expire. Members of said board shall be eligible to reappointment. In case of any vacancy in said board by reason of death, resignation, or otherwise, the Court of Appeals shall fill said vacancy by the appointment of a member of said board to serve until the expiration of the term for which the person so dying or resigning has been appointed. All applications for admission to the bar in this State shall be made by petition to the Court of Appeals and said petition shall be filed with the State Board of Law Examiners.

3. REGISTRATION OF APPLICANTS AND EXAMINATION THEREOF.

(a) REGISTRATION AS LAW STUDENT WITH BOARD OF LAW EXAMINERS. - Any person in this State desiring to begin the study of law for the purpose of admission to the bar shall first file with the State Board of Law Examiners an application for registration as a law student, and at the same time shall file therewith a certificate showing that



he or she has completed a course of study substantially equivalent to a high school education in Maryland; the following shall be accepted as satisfactory proof of compliance with the requirements of this section: Filing evidence with the State Board of Law Examiners that the applicant has (a) graduated from any high school approved by the Maryland State Department of Education, or (b) obtained a certificate from the Maryland State Department of Education that the applicant possesses the equivalent of a high school education, or (c) completed the university or college work as required under § 4.

Munc pro tunc registration may be permitted if the candidate had the requisite education at the date as of which the candidate desires to be registered, that is to say, if such munc pro tunc registration is (1) prior to June 1, 1940 the applicant has completed a course of study substantially equivalent to a high school education in Maryland, (2) subsequent to June 1, 1940 but prior to June 1, 1941 the applicant, in addition to such high school education, has successfully completed one year of college work or its equivalent as provided in the existing law, and (3) subsequent to June 1, 1941 but prior to June 1, 1957 the applicant, in addition to such high school education, has successfully completed two years of college work or its equivalent as provided in the existing law, and there has been no laches on the candidate's part, said matters to be determined by the State Board of Law Examiners; provided, however, that any person over the age of 50 years, who was a resident of the State of Maryland on June 1, 1918, may register as a law student on or before July 1, 1955, under the provisions of the law for admission to the Bar as existed prior to June 1, 1918.

(b) Transfer of registration; requirements for and examination of applicants for admission. - A candidate removing from a jurisdiction having similar standards for registration may have the registration transferred. The State Board of Law Examiners shall examine the applicant touching his or her qualifications for admission to the Bar. No one shall be examined who shall not have studied law in a law school in the United States, or any other law school which may be recognized by the State Board of Law Examiners; no one shall be examined who shall not have been registered as aforesaid as a law student before beginning said period of study.

(c) Report of examinations to Court of Appeals; admission to practice by court. - The said Board shall report their proceedings in the examination of applicants to the Court of Appeals with any recommendations said Board shall desire to make. If the Court of Appeals shall then find the applicant to be qualified under the provisions of this

section and also under the provisions of § 4 to discharge the duties of an attorney, and to be of good moral character, worthy to be admitted, and not a subversive person as defined by the Subversive Activities Act of 1949, they shall pass an order admitting him or her to practice in all the courts of the State.

(a) Rules by Court of Appeals; fees paid by applicants; annual account by Examiners; fraudulent acts by applicants. - The Courts of Appeals shall prescribe rules for a uniform system of bar examinations in this State, for registration as aforesaid, for character examination of each applicant, for admission to the Bar; and for the fees to be paid by the applicant; and for the compensation of the members of the Board, who shall be paid out of said fees; and generally such other rules as may be necessary or convenient to carry out the provisions of this section. Every applicant upon presenting himself or herself for examination before the Board of Law Examiners, shall pay to the treasurer of the Board such fee, not exceeding twenty-five dollars, as may be fixed by the Court of Appeals.

The State Board of Law Examiners shall render an annual account of their expenses to the Court of Appeals.

Any fraudulent act or representation by any applicant in connection with his or her application, registration or examination shall be sufficient cause for the revocation of the order admitting him or her to practice. (An. Code, 1939, § 3; 1924, § 3; 1912, § 3; 1904, § 3; 1892, ch. 37; 1898, ch. 139; 1902, ch. 399; 1916, ch. 509, § 3; 1918, ch. 270, 426, 1939, ch. 410, § 3; 1945, ch. 732, § 3; 1952, ch. 27, § 1; 1955, ch. 586.)

#### 4. PRE-LEGAL TRAINING AFTER JUNE 1, 1957.

From and after June 1, 1957, no person shall begin the study of the law under the provisions of §§ 3 and 4 unless and until, in addition to the requisities for the study of law as provided in § 3 of this article, he or she submits proof satisfactory to the State Board of Law Examiners that he or she has successfully completed two years of college work or its equivalent.

For the purposes of this act, successful completion of sixty (60) semester hours of academic work in field of study prescribed by the Court of Appeals and the Maryland State Department of Education taken in an educational institution approved to give such pre-legal training by the Maryland State Department of Education shall be accepted as satisfactory compliance with the requirements of this section. The requirements for pre-legal education as provided in the existing law shall continue until May 31, 1957. (An. Code, 1939, § 4; 1939, ch. 410 § 3 1/2; 1947, ch. 499; 1955, ch. 586.)

An. Code, 1939, sec. 5. 1924, sec. 4. 1912,  
sec. 3A. 1914, ch. 655.

5. All persons, graduates of a recognized law school and possessing all other qualifications which are now or may hereafter be prescribed by law, shall be eligible to take the examination provided for in this Article at the regular examination of the Examining Board, held at any time following his graduation, even though he be less than twenty-one years of age; provided, however, that no such person shall receive his certificate of admission to the Bar of this State, nor be qualified nor permitted to perform any of the duties of an Attorney at Law as provided by this Article until he shall have arrived at the age of twenty-one.

An. Code, 1939, sec. 6. 1924, sec. 5. 1912, sec. 4.  
1904, sec. 4. 1902, ch. 399, sec. 3A.

6. Women shall be permitted to practice law in this State upon the same terms, conditions and requirements and to the same extent as provided in this article with reference to men.

#### 7. ADMISSION AFTER FIVE YEARS PRACTICE ELSEWHERE.

Members of the bar of any state, district or territory of the United States, who, for five years after admission, have been engaged as practitioners, judges or teachers of law, shall be admitted without examination on proof of good moral character, and that they are not subversive persons, as defined by the Subversive Activities Act of 1949, after becoming actual residents of this State. Members of the bar of any other state, district or territory of the United States, who may be employed as counsel in any case pending before any of the courts of this State, may be admitted for all the purposes of the case in which they are so employed by the court before which said case is pending, without examination. Nothing herein contained shall be construed to deprive the courts of this State of the power, as at present existing, of disbaring or otherwise punishing members of the bar. (An. Code, 1939, § 7; 1924, § 6; 1912, § 5; 1904, § 5; 1888, § 6; 1831, Ch. 268, § 5; 1898, ch. 139; 1952, ch. 27, § 1.)

An Code, 1939, sec. 8. 1924, sec. 7. 1912, sec. 6. 1888  
sec. 9. 1831, ch. 228, sec. 1. 1878, ch. 400. 1904, sec. 6.

8. All persons who are now or shall hereafter be admitted to practice law in the court of appeals of this State, shall be entitled to practice law in any or all other courts of the State, upon exhibiting to the judge or clerk thereof a duly authenticated certificate of such admission to the bar of the court of appeals.

**FREE INSPECTION OF RECORDS BY PRACTITIONERS**

An. Code, 1939, sec. 9. 1924, sec. 8. 1912, sec. 7.  
1904, sec. 7. 1900, ch. 26, sec. 9A.

9. All persons who are now or shall hereafter be admitted to practice law in any court in this State, or their authorized clerk or representative, shall be entitled to inspect and examine as soon as received for record, or at any time thereafter, all papers filed for record or otherwise, in the clerk's office of the circuit courts of this State, and in the clerk's offices of the courts constituting the supreme bench of Baltimore City, and in the offices of the registers of wills in this State and of the commissioner of the land office, and to make memoranda or notes therefrom for any lawful purposes whatsoever, without payment of fees therefor, and also to examine the records and indexes in the aforesaid offices free of charge; and it shall be the duty of the clerk or register aforesaid in whose office said paper or papers are filed or records and indexes are kept, to afford immediate access to said papers or records, and a full opportunity to the person or persons desiring to make an examination of the same and memoranda therefrom for the purpose aforesaid.

**OATH OF ATTORNEYS AT LAW**

An. Code, 1939, sec. 10. 1924, sec. 9. 1912, sec. 8.  
1904, sec. 8. 1888, sec. 10. 1777, ch. 5, sec. 1.  
1854, ch. 18, sec. 2. 1865, ch. 114. 1867, ch. 126.

10. Every attorney or other practitioner at law shall in open court take and prescribe the following oath or affirmation: I do solemnly swear (or affirm) that I will at all times demean myself fairly and honorably as an attorney and practitioner at law; that I will bear true allegiance to the State of Maryland, and support the laws and constitution thereof, and that I will bear true allegiance to the United States, and that I will support, protect and defend the constitution, laws and government thereof as the supreme law of the land; any law or ordinance of this or any State to the contrary notwithstanding.

**MISCONDUCT OF ATTORNEYS-NEGLIGENCE-  
DISBARMENT-SUSPENSION**

An. Code, 1939, sec. 11. 1924, sec. 10. 1912, sec. 9. 1904, sec. 9.  
1888, sec. 11. 1719, ch. 4, sec. 2. 1929, ch. 370, sec. 10.

11. The judges of the several courts of this State shall observe the demeanor of all attorneys practicing the law before them, who shall use any indecent liberties to the lessening of the grandeur and authority of their respective courts, and shall

discountenance and punish the same according to the nature of the offense, either by suspending such attorney from his practice for a time, not exceeding thirty days, or by fine (at the discretion of the court) not exceeding Fifty Dollars for any one offense.

12. INSTITUTION OF DISBARMENT OR SUSPENSION PROCEEDINGS.

Whenever a judge of any of the several courts of this State shall have reasonable ground to believe that any attorney admitted to the practice of law in his court is guilty of professional misconduct, malpractice, fraud, deceit, crime involving moral turpitude, conduct prejudicial to the administration of justice, or is a subversive person, as defined by the Subversive Activities Act of 1949, he shall issue an order directed to the bar association and/or State's attorney of the city or county, as the case may be, in which his said court is located, requiring said bar association and/or State's attorney to prosecute the charges named in said order on a day specified therein, which day shall not be less than fifteen or more than sixty days from the date of said order, and shall direct that a copy of said order be forthwith served on said attorney. If it appear that said charges cannot be served on said attorney within the State, the same may be served upon him without the State by the court, otherwise, as the court shall by its order direct. (An. Code, 1939, § 12; 1924, § 10A; 1929, ch. 370, § 10A; 1952, ch. 27, § 2.)

13. BAR ASSOCIATIONS MAY BRING CHARGES.

Charges of professional misconduct, malpractice, fraud, deceit, crime involving moral turpitude, or conduct prejudicial to the administration of justice, against any attorney at law may be filed in any court where such attorney is admitted to practice by any bar association acting through its appropriate committee or by any group of five or more members of the bar and thereupon such proceedings shall be had as if said charges had been filed by the court and specified in the order directing the prosecution thereof, referred to in the preceding section. In addition, any bar association of the State, acting through its appropriate committee, may file charges of being a subversive person, as defined by the Subversive Activities Act of 1949, against any attorney at law, in any court where such attorney is admitted to practice, and thereupon, such proceedings shall be had as if said charges had been filed by the court and specified in the order directing the prosecution thereof, referred to in the preceding section. (An. Code, 1939, § 13; 1924, § 10B; 1929, ch. 370, § 10B; 1952, ch. 27, § 2.)

14. Every charge filed against any attorney shall be in writing and shall be of such particularity as to give him sufficient notice of the evidence to be offered in support of it.

An. Code, 1939, sec. 14. 1924, sec. 10C. 1929, ch. 370,



An. Code, 1939, sec. 15. 1924, sec. 10D. 1929,  
ch. 370, sec. 10D.

15. Said charges shall be heard before two or more judges of the judicial circuit in which said court, wherein such charges have been filed, is located, and the accused attorney shall be afforded full opportunity to be heard and, unless the accused attorney shall in writing elect otherwise, all the testimony taken at said hearing shall be taken down by a stenographer and transcribed as in civil cases. Said hearing shall be governed by the rules of law, evidence and procedure of civil cases, so far as the same may be applicable thereto.

16. SUSPENSION OR DISBARMENT OF ATTORNEYS FOUND GUILTY.

Every attorney who shall, after having an opportunity to be heard, as provided in the preceding section, be found guilty of professional misconduct, malpractice, fraud, deceit, crime involving moral turpitude, conduct prejudicial to the administration of justice, or of being a subversive person, as defined by the Subversive Activities Act of 1949, shall, by order of the judges finding him guilty, be suspended or disbarred from the practice of his profession in this State. (An. Code, 1939, § 16; 1929, ch. 370, § 10E; 1952, ch. 27, § 2.)

17. APPEAL IN SUCH CASES

Every attorney who shall, after a hearing held as hereinbefore prescribed, be found guilty of professional misconduct, malpractice, fraud, deceit, crime involving moral turpitude, conduct prejudicial to the administration of justice, or of being a subversive person, as defined by the Subversive Activities Act of 1949, shall have the right of appeal to the Court of Appeals of Maryland, as in civil cases, except the Court of Appeals shall have the right to review the entire proceedings and affirm, modify, alter or reverse the order from which said appeal is taken as the substantial merits of the cause and the ends of justice may require. (An. Code, 1939, § 17; 1929, ch. 370, § 10F; 1952, ch. 27, § 2.)

An. Code, 1939, sec. 18, 1924, sec. 10G. 1929 ch. 370,  
sec.10G.

18. Upon the order of the judges disbarring such accused attorney from the practice of his profession in this State and no appeal being entered therefrom within the time prescribed for appeals to be taken in civil cases, the Clerk of the Court which has conducted such disbarment proceedings shall send over the seal of said Court, a certified copy of such order with the docket entries in the proceeding to the Clerk of the Court of Appeals of Maryland, and upon receipt thereof the said Clerk of the Court of Appeals of Maryland shall forthwith strike the name of the accused attorney from the register of attorneys in said court and certify that fact to the Clerk of the Circuit Court for each county through which the strike

and to the Clerk of the Supreme Bench of Baltimore City, and upon receipt of such certification each of said Clerks shall forthwith strike the name of such accused attorney from the register of attorneys in his Court.

An. Code, 1939, sec. 19. 1924, sec. 10H. 1929, ch. 370, sec. 10H.

19. If an appeal be taken from the order of the judges disbarring such accused attorney from the practice of his profession in this State and said order be affirmed by the Court of Appeals of Maryland, the clerk of the Court of Appeals of Maryland shall forthwith strike the name of the accused attorney from the register of attorneys in said court and certify that fact to the Clerks of the Circuit Courts for each county throughout the State and to the Clerk of the Supreme Bench of Baltimore City, and upon receipt of such certification, each of said Clerks shall forthwith strike the name of such accused attorney from the register of attorneys in his court.

An. Code, 1939, sec. 20. 1924, sec. 11. 1912, sec. 10. 1904, sec. 10. 1900, ch. 309, sec. 11A. 1929, ch. 370, sec. 11.

20. No attorney, during the time of his suspension or disbarment, shall practice law in this State in any form either as principal or agent, clerk or employee of another and specifically, without limiting the foregoing, no such attorney during his suspension or disbarment from practice of law shall appear as attorney or counsellor at law before any court, judge, justice, board, commission or public officer, or prepare any will, mortgage or deed.

An. Code. 1939, sec. 21. 1924, sec. 11A. 1929, ch. 370, sec. 11A.

21. Any attorney violating any of the provisions of Section 20 shall be guilty of a misdemeanor and on conviction thereof shall be fined not more than One Thousand Dollars or be imprisoned for not more than one year or be both fined and imprisoned, in the discretion of the court.

An. Code, 1939, sec. 22. 1937, ch. 370

22. Any attorney heretofore or hereafter suspended or disbarred from the practice of his profession in this State because of the conviction of any misdemeanor, who may have been or may hereafter be pardoned for such misdemeanor by the Governor of this State, upon application to the Court which issued the order of suspension or disbarment, be entitled to be reinstated as a member of the Bar in good standing; provided the Court, to which said application may be addressed, shall be satisfied that during the period of <sup>his</sup>

suspension or disbarment he has not violated the provisions of Section 20 of this Article, and that he is otherwise worthy of reinstatement. The provisions of this Article relating to hearing and appeal in proceedings for suspension and disbarment shall be applicable to proceedings for reinstatement under this section.

An Code, 1939, sec. 23, 1924, sec. 12. 1912, sec. 11. 1904, sec. 11. 1900, ch. 309, sec. 11B.

23. It shall be the duty of the judges of the orphans' courts of the several counties of this State, and of the judges of the orphans' court of Baltimore City to prefer charges, in writing, against any attorney at law who shall have, in their judgment, been guilty of unprofessional conduct occurring their respective courts, or in connection with the business thereof, to the circuit courts for the county in which such orphans' court shall have jurisdiction, or to the supreme bench of Baltimore City, as the case may be.

An. Code, 1939, sec. 24. 1924, sec. 13. 1912, sec. 12. 1904, sec. 12. 1888, sec. 12. 1721, ch. 14, sec. 2. 1777, ch. 5, sec. 1. 1854, ch. 18, sec. 2. 1865, ch. 14, 1867, ch. 126.

24. Any attorney who, by his negligence in bringing a cause to a decision within the time limited by law shall suffer such cause to be discontinued, shall forfeit the sum of One Hundred Dollars and all costs of suit accrued on any action discontinued by his default; one-half to the party grieved, and the other half to the State, for the use and benefit of the county where such fines arise.

An. Code, 1939, sec. 25. 1924, sec. 14. 1912, sec. 13. 1904, sec. 13. 1900, ch. 13, sec. 12A.

25. Any attorney who shall habitually go to the several jails, stationhouses and other places of criminal punishment with the view of soliciting the clientage of persons confined therein awaiting trial, without having been first sent for by such persons or by their friends, or who shall solicit such clientage through sheriffs, constables, jailors or professional lawbreakers, shall be deemed guilty of a misdemeanor, and upon proper proof before a court of which he shall be a member of the bar, shall be suspended from practice in all the courts of this State for a period of not less than one year; and the judge imposing the suspension shall have the same publicly posted on the bulletin board of said court, and shall direct the clerk of said court, under a penalty of Five Dollars for each default, to send notice of such suspension to the clerk of every other court in the State. Any sheriff, deputy sheriff, constable, police officer,

Justice of the peace or other official who shall act as such agent or broker for any lawyer shall be deemed guilty of a misdemeanor and, on conviction, shall be fined not less than Twenty-five Dollars, or be imprisoned, in the discretion of the court, for not less than thirty days.

An. Code, 1939, sec. 26. 1924, sec. 15. 1912, sec. 14.  
1904, sec. 14. 1898, sec. 13. 1722, ch. 12, sec. 4.  
1773, ch. 5, sec. 1. 1854, ch. 18, sec. 2. 1865, ch.  
114. 1867, ch. 126.

26. The several courts of this State may, in their discretion, where it shall appear to them that any plaintiff or defendant in any action brought in said courts shall suffer by the negligence or omission of the attorney, immediately adjudge such attorney to pay the lawful costs accruing from such plaintiff or defendant through such neglect or omission not exceeding Ten Dollars; but if the costs exceed that sum, then the plaintiff or defendant shall be left to his remedy at common law; and every attorney practicing in the court of any county or city whereof he is not an inhabitant may be sued in such county or city for any such omission or neglect as if he resided therein.

#### WHO MAY NOT PRACTICE LAW

An. Code, 1939, sec. 27. 1924, sec. 16. 1912, sec. 15.  
1904, sec. 15. 1888, sec. 14. 1715, ch. 41, sec. 9.

27. No sheriff or deputy sheriff, warden or keeper of a jail, or any of his deputies; no warden or keeper of the penitentiary, or deputy warden or keeper thereof, shall be admitted to practice as attorney in any of the courts of this State; and if any of said officers shall practice law in any court of this State, he shall forfeit Fifty Dollars for each offense.

An. Code, 1939, sec. 28. 1924, sec. 17. 1912, sec. 16.  
1904, sec. 16. 1888, sec. 15. 1786, ch. 10. 1852,  
ch. 179. 1868, ch. 404. 1898, ch. 472. 1914, ch. 236

28. Any Register of Wills or Clerk of any Court, or Deputy Register or Clerk or assistant Clerk, appointee or employee of said Register of Wills or Clerk of any Court, or bailiff of any Court, or officer or employee of any Juvenile Court, who shall pursue the practice as attorney at law in this State during the term of their office or appointment shall be deemed guilty of a misdemeanor and on conviction shall be fined not less than Twenty-five Dollars nor more than One Hundred Dollars, and be suspended from the practice of law before any of the Courts of Maryland for one year.

An. Code, 1939, sec. 29. 1924, sec. 18. 1912, sec. 17.  
1904, sec. 17. 1888, sec. 16. 1915, ch. 41, sec. 9.  
1791, ch. 76, sec. 3. 1796, ch. 48, sec. 8.

29. No judge of any court of this State, including the judges of the orphans' courts, shall act as attorney or solicitor in any court of law or equity in this State, during the time for which he shall act as such.

#### WHO MAY NOT PRACTICE LAW

##### 30. CERTAIN ACTS BY CERTAIN OFFICIALS PROHIBITED IN MONTGOMERY AND PRINCE GEORGE'S COUNTIES

It shall be unlawful for any sheriff or deputy sheriff, warden or keeper of any jail or any of his deputies, or any register of wills or clerk of any court or deputy register or clerk, or assistant clerk, appointee or employee of any register of wills or clerk of any court or judge of the orphans' court of Montgomery County or of Prince George's County, during the term of his office or employment, and whether duly admitted to the practice of law or not, directly or indirectly, to provide, prepare or assist in the preparation of any paper, form, instrument or document to be filled in or affecting or pertaining to any cause, cause of action, proceeding or matter pending or which may thereafter come before any court of record of said Montgomery County, or of said Prince George's County, or to give any advice with reference thereto, whether for any fee, gratuity, gift, or reward or not, except in any such cause, cause of action, proceeding or matter in which he is a party or in the result of which he has a property interest; the doing of any of the acts made unlawful by this section shall be deemed to be practicing law; provided, however, that the performance of any positive duty imposed by law upon any of the persons hereinabove named shall not constitute a violation of the terms of this section; and provided further, that nothing in this section shall apply to or affect the settlement of small estates in the orphans' court of Prince George's County as set forth in §§ 156 and 157 of article 93 of this Code. (1943, ch. 735; 1955, ch. 155.)

1947 Supp., sec. 30A. 1945, ch. 772.

31. No trial magistrate, whether duly admitted to the practice of law or not, shall, during the term of his office, represent, as attorney or counsel, any defendant, in a criminal proceeding before any other trial magistrate of the same county; provided this section shall not apply to a substitute Trial Magistrate as designated under Section 110 of this Article.

#### PRACTICING WITHOUT BEING ADMITTED TO THE BAR

An. Code, 1939, sec. 31. 1924, sec. 19. 1912, sec. 18.  
1904, sec. 18. 1900, ch. 699, sec. 16A.



32. Any person who shall exact, demand, take or receive from any person whatsoever any fee, gratuity, gift or reward for his advice or service as an attorney at law without having been admitted to the bar agreeably to the provisions of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine of not more than One Hundred Dollars, or confinement in jail for not more than thirty days, or both fine and imprisonment, in the discretion of the court.

An. Code, 1939, sec. 32. 1924, sec. 20. 1912, sec. 19. 1908, ch. 595.

33. Any person who has not been duly admitted to the bar in this State, or elsewhere, or who, after having been so admitted, shall have been disbarred, who shall in any manner whatever represent himself to be entitled to practice law, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be liable to a fine of not more than \$200 or confinement in jail for not more than six months.

California (From Martindale - Hubbell  
Law Directory, Vol. III, Law Digest, 1956)

ATTORNEYS AND COUNSELORS:

Members of State Bar are all persons admitted and licensed to practice law, except justices and judges of courts of record during their continuance in office. (Bus. & Prof. C. 6002).

**JURISDICTION OVER ADMISSIONS.** - The Supreme Court is vested with power to admit successful candidates for admission to the bar. (Bus. & Prof. C. 6064).

**ELIGIBILITY.** - Any citizen of the United States, of the age of at least 21 years, of good moral character, who is and for at least three months prior to date of his final bar examination has been a bona fide resident of this state and possesses the necessary qualifications of learning and ability is entitled to admission to the State Bar and thereupon to practice law in California. (Bus. & Prof. C. 6060-62).

No person who advocates overthrow of government of United States by force, violence, or other unconstitutional means, may be admitted to the bar. (Bus. & Prof. C. 6064.1).

**EDUCATIONAL REQUIREMENTS.** - Before commencing the study of law applicants for examination must have completed two years of college work, or have reached the age of 25 years. Their legal education must have resulted in graduation from a law school requiring substantially its students' full time for three years, or graduation from a part-time law school after attendance for four years, or proof that applicant has otherwise diligently and in good faith studied law for at least four years. (Bus. & Prof. C. 6060).

**LAW STUDENT REGISTRATION AND EXAMINATION.** - Applicant must register with examining committee within three months after beginning study of law; committee may for good cause permit late registration.

Student in law school which is not accredited by Committee of Bar Examiners must take a preliminary bar examination at end of his first year of law study. (Bus. & Prof. C. 6060.)

**FINAL BAR EXAMINATIONS** are held in spring and fall of each year by the examining committee at Los Angeles and San Francisco. Registration for final examination must be made at least three months prior to date of final examination. Examinations are in the charge of the State Bar's Committee of Bar Examiners, 2100 Central Tower, San Francisco 3.

**ADMISSION OF FOREIGN ATTORNEYS.** - In order to be certified to the Supreme Court for admission and a license to practice law a person who has been admitted to practice law outside of the state must: Meet the aforementioned requirements as to citizenship, age, moral character and residence; have been admitted to practice before the highest court of a sister state or of a jurisdiction where the common law of England constitutes the basis of jurisprudence; have actively engaged in practice of law in such jurisdiction for four out of the six years immediately preceding his application; pass such examination as the examining committee may require. (Bus. & Prof. Code 5062.)

**LICENSES.** - Annual active membership fee in State Bar shall not be more than \$15 (presently is \$15), upon payment of which a certificate of fee payment is issued. Inactive membership fee is \$2. Failure to pay results in suspension from membership. (Bus. & Prof. C. 6140-43).

**POWERS.** - An attorney may bind his client at any stage of an action or proceeding by his agreement filed with the clerk, or entered upon the minutes of the court, and not otherwise, unless the agreement has become executed. Also has power to receive money claimed by his client in an action or proceeding, during the pendency thereof, or after judgment, unless a revocation of his authority is filed, and upon the payment thereof, to discharge claim or acknowledge satisfaction of judgment. (C.C.P. 283.)

**CHANGE OF ATTORNEYS.** - Cannot be changed in an action or proceeding, except upon consent of both client and attorney, filed with the clerk, or entered upon the minutes, or by order of court upon the application of either client or attorney, after notice from one to the other. Where agreement is for contingent fee, court determines amount and terms of payment of fee of retiring attorney. (C.C.P. 284.)

**LIABILITIES.** - May be held strictly to a fiduciary and trust character (206 Cal. 691, 275 Pac. 941) and is liable to arrest in a civil action for misappropriating money or other property of client (Bus. & Prof. C. 6128).

**COMPENSATION.** - Stipulations in real and chattel mortgages as to the payment of an attorney's fee, are legal, but compensation shall be such as the court finds reasonable, not exceeding the amount named in the mortgage. (C.C.P. 726). Compensation is in most cases left to the agreement of the parties. (C.C.P. 1021). Fees in probate cases for attorneys are fixed on the same basis of compensation as for administrators or executors. (Prob. C. 910).

**DISBARMENT OR SUSPENSION.** - The Supreme Court, district courts of appeal and superior courts may disbar or suspend attorneys (Bus. & Prof. C. 6100) upon the recommendation of the Board of Governors of the State Bar, after hearing (Bus. & Prof. C. 6078).

**UNAUTHORIZED PRACTICE.** - No one except active members of the State Bar may practice law in California. (Bus. & Prof. C. 6125).

New York (From Martindale - Hubbell  
Law Directory, Vol. III, Law Digest, 1956)

ATTORNEYS AND COUNSELORS:

A person may be admitted to practice in a court of record only on order of the Appellate Division of the Supreme Court (Ct. of App. Rules: Admission of Attorneys, Rule I). Race, creed, color, national origin or sex is no bar to admission to practice. (J. L. § 460).

ADMISSION ON EXAMINATION. - All persons not college graduates must procure a qualifying certificate showing that two years of study at an approved college or university have been satisfactorily completed and certain subjects passed. This certificate must be filed with Clerk of the Court of Appeals within four months after beginning study of law. Credit towards the requirement of two years of college may be granted for military service. (Ct. of App. Rules: Admission of Attorneys, Rule III). Applicants for examination must prove: (1) By their own affidavit that they are citizens of United States, are over 21 years of age and have been (unless Court of Appeals grants leave) a resident of state for at least six months; (2) graduation from college or filing of qualifying certificate; (3) graduation from approved law school or four years study of law in office of practicing attorney, or partly such office and partly in law school. (Ct. of App. Rules: Admission of Attorneys, Rules IV, VI).

Candidate must file with a Committee on Character and Fitness appointed by an appellate division of Supreme Court evidence of good moral character, including affidavits of two residents of town or city where he resides, one of whom must be practicing attorney. (Ct. of App. Rules: Admission of Attorneys, Rule VIII).

Examinations are held three times a year. One fee of \$25 is required for first examination, and covers also first retaking of any one part of examination. Except as above stated, an additional fee of \$10 is required for each retaking of any one part. (J.L. § 465; Ct. of App. Rules: Board of Law Examiners, Rule IV.)

ADMISSION WITHOUT EXAMINATION. - The following may be admitted without examination; Citizens of the United States who are twenty-six years of age, who have been actual residents of the state for six months, and who (a) are admitted to practice in the highest law court of another state or District of Columbia, and have practiced five years in such court or in the highest court of original jurisdiction of said state or district, or (b) are admitted to practice and have practiced five years in the highest court or highest court of original jurisdiction of another common law country; provided they produce a certificate of admission to practice from the clerk and a letter of recommendation from a judge



or country, and furnish other satisfactory evidence of character and qualifications. (Ct. of App. Rules: Admission of Attorneys, Rule II).

**VETERANS.** - Examination is dispensed with in case of law school graduate discharged after at least 12 months satisfactory service in U.S. armed forces subsequent to Sept. 16, 1940, who was resident in N.Y. for six months preceding either his induction or his application and whose entry into armed services prevented his completing either the last third of his law school course or his taking the two bar examinations next following the completion of his law school course. Application under this rule must be made within two years after discharge from active duty. (Ct. of App. Rules: Admission of Attorneys, Rule III-a).

**ADMISSION PRO HAC VICE.** - An attorney from another state or country may be admitted by a court of record pro hac vice to participate in a cause in which he is employed. (Ct. of App. Rules: Admission of Attorneys, Rule II).

**DISABILITY AS SURETY OR BAIL.** - In no case may an attorney be surety on an undertaking or bond required by law, or by the Rules of Civil Practice, or by any order of a court or judge in an action or proceeding, or be bail in a civil or criminal case or proceeding. (C.P.R. 27).

**COMPENSATION** of attorney is governed by agreement, express or implied. Contracts with guardians of infants for contingent fees are subject to approval of court. (J.L. § 47). In case of agreements for contingent fees in personal injury actions and certain other actions in the First and Second Departments, statement of terms of the agreement and certain other facts must be filed with clerk of the respective Department within 30 days from the date of any such agreement. (Special Rules App. Div. 1st Dept., Rule 4-A; Special Rules App. Div. 2d Dept., Rule 3).

**LIENS.** - Attorney has a lien on cause of action from commencement of action or special proceeding, in any court or before any state, municipal or federal department except a department of labor, or filing of counterclaim, which lien attaches to a verdict, report, determination, decision, judgment or final order in his client's favor, and the proceeds thereof, and cannot be affected by any settlement between the parties before or after judgment or final order. (J.L. § 47). If prior to the commencement of an action, special or other proceeding, an attorney serves notice of lien (in manner specified in § 475-a)

upon person or persons against whom his client has or may have a claim or cause of action, the attorney has lien upon claim or cause of action from time notice is given, which attaches to a verdict, report, determination, decision or final order in his client's favor, and to any money or property which may be recovered in whatever hands they may come; the lien cannot be affected by any settlement between the parties after such notice of lien is given. (J.L. § 475-a). This lien is not limited to attorneys appearing before N.Y. courts but extends to attorneys appearing before any judicial tribunal within the state (247 App. Div. 19, 286 N.Y. S. 513) and before any state department except Department of Labor (J.L. § 475, 475-a). This does not limit common law lien of attorney on papers, property and moneys of client in his hands. (237 N.Y. 467, 143 N.E. 647). Attorney's claim for any contingent interest in any recovery under Employers' Liability Law is not an enforceable lien unless amount thereof be approved in writing by Justice of Supreme Court or justice before whom case is tried. (E. L. L. § 12).

**DISBARMENT OR SUSPENSION.** - Appellate division of Supreme Court may censure, suspend or remove from office any attorney for professional misconduct, malpractice, fraud, deceit, crime or misdemeanor, or any other conduct prejudicial to administration of justice. (J.L. § 90; 240 N.Y. 89, 147 N.E. 538).

**UNAUTHORIZED PRACTICE.** - It is a misdemeanor for any corporation or association or any individual not admitted to the bar to practice law. (P.L. § 271, 280).